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| APPLICATION NO.                | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------------|-------------|----------------------|---------------------|------------------|
| 10/736,440                     | 12/15/2003  | Steven Tischer       | 030516 (BLL-0145)   | 3425             |
| 36192                          | 7590        | 05/18/2007           | EXAMINER            |                  |
| CANTOR COLBURN LLP - BELLSOUTH |             |                      | NEWAY, SAMUEL G     |                  |
| 55 GRIFFIN ROAD SOUTH          |             |                      | ART UNIT            | PAPER NUMBER     |
| BLOOMFIELD, CT 06002           |             |                      | 2626                |                  |
| MAIL DATE                      |             | DELIVERY MODE        |                     |                  |
| 05/18/2007                     |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                 |                 |
|------------------------------|-----------------|-----------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s)    |
|                              | 10/736,440      | TISCHER, STEVEN |
|                              | Examiner        | Art Unit        |
|                              | Samuel G. Neway | 2626            |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 15 December 2003.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-15 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 15 December 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

1. This is responsive to the Application filed on 15 December 2003.

### ***Specification***

2. The disclosure is objected to because of the following informalities: in paragraph [0027], "that a user of cell phone 24 as set up a text-to-speech service" is believed to be a typographical error for 'that a user of cell phone 24 has set up a text-to-speech service'.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 – 4, 7, and 10 – 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al (USPGPub 2001/0047260).

Claim 1:

Walker discloses a system for generating a collection of speech generation commands associated with computer readable information, comprising:

a first computer (items 18, 24 and 22a, Fig. 2) configured to receive the computer readable information and to partition the computer readable information into at least first and second portions of computer readable information, the first computer

further configured to generate a first collection of speech generation commands based on the first portion of computer readable information ("dividing the requested text from voice application 16 into a plurality of text segments ... ", [0025], Fig. 2, item 26 and related text);

and, a second computer (item 22b, Fig. 2) configured to receive the second portion of computer readable information from the first computer and to generate a second collection of speech generation commands based on the second portion of computer readable information (Fig. 2, item 22 and related text), the first computer is further configured to receive the second collection of speech generation commands from the second computer and to generate a third collection of speech generation commands based on the first and second collection of speech generating commands (Fig. 2, item 24 and related text, [0030]).

Claim 2:

Walker discloses the system of claim 1 wherein the first computer generates signals based on the third collection of speech generation commands ("Streaming buffer 24 transmits the speech segments in the proper order along with the telephony user address to voice application", [0031]).

Claim 3:

Walker discloses the system of claim 2 further comprising both a wireless communication network operatively communicating with the first computer and a cellular phone operatively communicating with the wireless communication network, wherein the signals generated by the first computer are transmitted through the wireless

communication network to the cellular phone ("Telephony user 12 may be a wired or wireless telephony user and text data sources 14 may include text data sources ... ", [0022]).

Claim 4:

Walker discloses the system of claim 3 wherein the signals correspond to auditory speech, the cellular phone generating auditory speech based on the received signals ("Communication system 10 is a voice portal platform for enabling a telephony user 12 to access written text such as email, news, weather conditions, sport scores, stock quotes, and other information from text data sources 14 ", [0021]).

Claim 7:

Walker discloses a method for generating a collection of speech generation commands associated with computer readable information, comprising:

partitioning the computer readable information into at least first and second portions of computer readable information ("dividing the requested text from voice application 16 into a plurality of text segments", [0025], Fig. 2, item 26 and related text);

generating a first collection of speech generation commands based on the first portion of computer readable information in a first computer; and, generating a second collection of speech generation commands based on the second portion of computer readable information in a second computer ("TTS engine 22a converts the first text segment into a first speech segment and associates sequence identifier #1 with the first speech segment, TTS engine 22b converts the second text segment into a second speech segment", [0028], Fig. 2 and related text).

Claim 10:

Walker discloses the method of claim 7 further comprising generating a third collection of speech generation commands in the first computer based on the first and second collections of speech generation commands (Fig. 2, item 24 and related text, [0030]).

Claim 11:

Walker discloses the method of claim 7 further comprising: generating a signal based on the first and second collections of speech generation commands corresponding to auditory speech (Fig. 2, item 24 and related text, [0030]); and, transmitting the signal through a wireless communication network to a cellular phone ("Telephony user 12 may be a wired or wireless telephony user and text data sources 14 may include text data sources ... ", [0022]).

Claim 12:

Walker discloses the method of claim 11 further comprising generating auditory speech in the cellular phone directly based on the signal (Fig. 2, item 12 and related text, [0030]).

Claim 13:

Walker discloses the method of claim 7 further comprising: generating a signal corresponding to the first and second collections of speech generation commands (Fig. 2, item 24 and related text, [0030]); and, transmitting the signal through a wireless communication network to a cellular phone ("Telephony user 12 may be a wired or

wireless telephony user and text data sources 14 may include text data sources ... ", [0022]).

**Claim 15:**

Claim 15 is similar in scope and content to claim 7 and is rejected with the same rationale.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 5 – 6, 8 – 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (USPGPub 2001/0047260) in view of Walker (Mark) (USPN 6,510,413) referred as Mark hereinafter.

**Claim 5:**

Walker discloses the system of claim 3, but Walker does not explicitly disclose a voice file containing a plurality of speech samples from a predetermined person.

Mark discloses a similar text to speech generation system where voice files are used to store speech samples ("Another known method of generating an audible signal is through the concatenation of small portions of pre-recorded digital audio. These digital audio units are typically obtained by recording utterances from a human speaker.", col. 1, lines 51-55).

Mark also discloses that these voice files could reside in cell phones ("The intermediate ... representation is audibilized by clients 202", col. 4, lines 6-7, and Fig. 2, item 202 and related text)

It would have been obvious to one with ordinary skill in the art at the time of the invention to include a voice file in Walker's cell phone because voice files are well known methods in the speech synthesis art (Mark, "Another known method of generating an audible signal is through the concatenation of small portions of pre-recorded digital audio. These digital audio units are typically obtained by recording utterances from a human speaker.", col. 1, lines 51-55).

Claim 6:

Walker discloses the system of claim 1, but Walker does not explicitly disclose a voice file containing a plurality of speech samples from a predetermined person.

Mark discloses a similar text to speech generation system where voice files are used to store speech samples ("Another known method of generating an audible signal is through the concatenation of small portions of pre-recorded digital audio. These digital audio units are typically obtained by recording utterances from a human speaker.", col. 1, lines 51-55).

It would have been obvious to one with ordinary skill in the art at the time of the invention to include a voice file in Walker's computers because voice files are well known methods in the speech synthesis art (Mark, "Another known method of generating an audible signal is through the concatenation of small portions of pre-

recorded digital audio. These digital audio units are typically obtained by recording utterances from a human speaker.", col. 1, lines 51-55).

**Claims 8 – 9:**

Walker and Mark disclose the method of claim 7 wherein the first computer includes a memory storing a voice file, the voice file having a plurality of speech generation commands associated with speech samples of a predetermined person (see claim 6).

Mark further discloses the acoustic elements in the voice file being phonemes and multi-phonemes as claimed in the instant claim ("Acoustic units may represent phonemes, diphones, triphones ... ", col. 5, lines 42-44).

It would have been obvious to one with ordinary skill in the art at the time of the invention to use phonemes and multi-phonemes (diphones, triphones) because the "symbols representing acoustic units produced by the dictionary and letter-to-sound rules typically correspond to phonemes or syllables in a particular language." (Mark, col. 1, lines 30-34).

**Claim 14:**

Claim 14 is similar in scope and content to claim 5 and is rejected with the same rationale.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stephens, Jr. (USPN 6,557,026) discloses a system for receiving information from an information network in audio format using distributed text-to-speech processing.

Gupta et al (USPN 6,516,207) discloses a method in which the speech synthesis function is distributed between two components that communicate with one another over a transmission facility.

Wu et al (USPGPub 2003/0061048) discloses a method of converting text to speech in a communication device by providing a code table containing coded speech parameters.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel G. Neway whose telephone number is 571-270-1058. The examiner can normally be reached on Monday - Friday 8:30AM - 5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SN

*SN*

*DAVID HUDSPETH*  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

|                                   |  |                                       |   |             |
|-----------------------------------|--|---------------------------------------|---|-------------|
| <b>Notice of References Cited</b> |  | Application/Control No.<br>10/736,440 | Applicant(s)/Patent Under<br>Reexamination<br>TISCHER, STEVEN |             |
|                                   |  | Examiner<br>Samuel G. Neway           | Art Unit<br>2626  | Page 1 of 1 |

**U.S. PATENT DOCUMENTS**

| * |   | Document Number<br>Country Code-Number-Kind Code | Date<br>MM-YYYY | Name                    | Classification |
|---|---|--|-----------------|-------------------------|----------------|
| * | A | US-2001/0047260                                  | 11-2001         | Walker et al.           | 704/260        |
| * | B | US-6,510,413                                     | 01-2003         | Walker, Mark R.         | 704/258        |
| * | C | US-2003/0061048                                  | 03-2003         | Wu et al.               | 704/260        |
| * | D | US-6,516,207                                     | 02-2003         | Gupta et al.            | 455/563        |
| * | E | US-6,557,026                                     | 04-2003         | Stephens, Jr., James H. | 709/203        |
|   | F | US-  |                 |                         |                |
|   | G | US-  |                 |                         |                |
|   | H | US-  |                 |                         |                |
|   | I | US-  |                 |                         |                |
|   | J | US-  |                 |                         |                |
|   | K | US-  |                 |                         |                |
|   | L | US-  |                 |                         |                |
|   | M | US-  |                 |                         |                |

**FOREIGN PATENT DOCUMENTS**

| * |   | Document Number<br>Country Code-Number-Kind Code | Date<br>MM-YYYY | Country | Name | Classification |
|---|---|--|-----------------|---------|------|----------------|
|   | N |  |                 |         |      |                |
|   | O |  |                 |         |      |                |
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|   | R |  |                 |         |      |                |
|   | S |  |                 |         |      |                |
|   | T |  |                 |         |      |                |

**NON-PATENT DOCUMENTS**

|   |   |   |
|---|---|---|
| * |   | Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) |
|   | U |   |
|   | V |   |
|   | W |   |
|   | X |   |

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.